

REMARKS

Claims 1-27 are currently pending in the application. Claims 13-27 stand withdrawn and claims 1-12 stand rejected.

Claims Rejection

Claims 1- 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,757,830 to Tarbotton in view of Applicants' admitted prior art (AAPA), in particular the Dalton and Griffin paper "Applying Military Grade Security to the Internet." The Examiner reiterates that, with regard to claim 1, Tarbotton discloses storing an e-mail in a compartment in dirty mail store 16, and a compartmented operating system in the AV sys. The Examiner agrees that, at the very least, the alleged compartmented system of Tarbotton is not of the type recited in the claims, but opines that it would have been obvious to modify Tarbotton as taught by the AAPA "to make it easier to administer and to detect attempts at an attack." Applicants respectfully traverse the Examiner's opinion.

Erstwhile, Applicants reiterate that Tarbotton does not disclose a compartmented system. The Examiner's insistence on applying the broadest possible meaning to each and every term of the claims notwithstanding, currently pending claim 1 makes quite clear what is meant by "compartment" and completely contradicts the Examiner's continued characterization of Tarbotton as disclosing a compartmented operating system and a compartment therein.

Next, Applicants note that the logic proffered by the Examiner is circuitous, as the Examiner insists that Tarbotton does disclose a compartmented operating system yet at the same time opines that the skilled person would have found it obvious to apply the compartmented operating system of the AAPA to Tarbotton. If Tarbotton does indeed disclose the use of such a compartmented operating system, then why would the skilled person be motivated to replace it with a different compartmented operating system? There is nothing on the face of Tarbotton to compel the skilled person to attempt such a feat. The Examiner offers that the skilled person would do so "to make it easier to administer and to detect attempts at an attack" – but where does Tarbotton teach the desirability or need of making his system "easier to administer" or "to detect

attempts at an attack?" Where does the Dalton paper discuss the application of its disclosure to e-mail systems?

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." MPEP §2142. Applicants respectfully submit that the Examiner has not shown where the proffered motivation is to be found anywhere in the references themselves, not presented proof that such would be found in the knowledge generally available to one of ordinary skill in the art.

"Second, there must be a reasonable expectation of success... The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." MPEP §2142. The Examiner has offered not one single detail as to how exactly the skilled person would go about modifying the system of Tarbotton, and as already mentioned, there is no suggestion or teaching in either reference to make the claimed combination. Using a different operating system to practice an invention is never a trivial matter, and the Examiner's combination of the prior art leaves far too many blanks for the skilled person to fill in through undue experimentation.

"Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP §2142. Once again, Applicants respectfully traverse the Examiner's finding that Tarbotton discloses a compartmented operating system and a compartment therein, and therefore insist that the combination of prior art asserted by the Examiner fails to teach or suggest all claimed limitations.

In view of all of the above, Applicants respectfully submit that claims 1 and 8 are novel and nonobvious in view of the art, and that claims 2-7 and 9-12 are novel and nonobvious at least based upon their dependency on claim 1 or 8, respectively.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

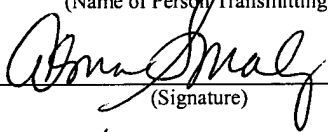
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February 14, 2006

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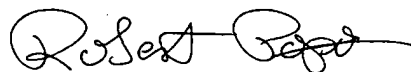


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Respectfully submitted,



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